

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: VOLKSWAGEN "CLEAN DIESEL"
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

MDL 2672 CRB (JSC)

DECLARATION OF TIM MALONEY
FOR AWARD OF ATTORNEY FEES
AND REIMBURSEMENT COSTS

This Document Relates to:

ALL CONSUMER ACTIONS

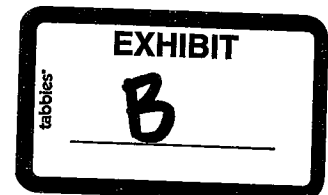
Hon. Charles R. Breyer

DECLARATION OF CAMILLE FURGESON

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned Affiant, who, after having been by me duly sworn, on oath, deposes and says:

"My name is Camille Furgeson. I am over eighteen (18) years of age and competent to make this Affidavit. I have never been convicted of a felony or a crime of moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct, and made under penalty of perjury. I am the Administrative Assistant for Attorney, Tim Maloney, in the above referenced cause of action. I have personal knowledge of the events that have occurred in this case.

The Law Offices of Maloney and Campolo have acted as one of the ORIGINAL counsel for the Volkswagen Clean Diesel Litigation and have been involved in all aspects of this litigation since September 2015.



The nature of this case required that I put in extensive hours on a daily basis since November 19, 2015. To date, I have personally assisted over 300 clients involved with the Class Settlement Program. Below, is an overview detailing the work I performed. The exhibits attached demonstrate the process of the work entailed from the initial intake to present date.

OVERVIEW

STEP 1:

Answer general questions from TDI owners regarding the emission system on their vehicles and their options. Explain the benefits of hiring a legal representative for this case.

EXHIBIT 1: Documents from Attorney, Tim Maloney to educate incoming inquiries.

STEP 2:

Begin initial intake for new client files. Address all questions and concerns via phone or email.

EXHIBIT 2: Information sheet I created to gather personal and vehicle information in English and Spanish.

EXHIBIT 3: Document from Volkswagen which describes a Goodwill Package available to TDI owners.

This was sent to the clients who requested instructions on how to receive and activate the gift card.

EXHIBIT 4: Intro letter I made for clients transferred over from a referral attorney post June 28th. (All contracts were signed and dated before June 28th).

STEP 3:

Input data from intake in excel spreadsheets. Print and save documents to electronic folder and paper file in binders. Organization is crucial to ensure no one is left behind. I created 4 different spreadsheets to regulate how to communicate with the clients. For example, some clients want to communicate over the phone and receive documents via U.S. mail; others want to communicate through email. Some speak fluent Spanish with no email while others speak Spanish and request all documents and updates to be mailed.

EXHIBIT 5: CLIENT FOLDERS – Inventory List

Excel sheet used log the documents we have on file for each client.

EXHIBIT 6: VEHICLE INFORMATION SHEET – Master List

Excel sheet used to enter vehicle information for each client.

EXHIBIT 7:

CLIENT COMMUNICATION – Contact by Email – English

CLIENT COMMUNICATION – Contact by Email - *Spanish*

CLIENT COMMUNICATION – Contact by Mail - English

CLIENT COMMUNICATION – Contact by Mail - *Spanish*

“Method for Communicating” sheets. For security reasons all content has been removed.

STEP 4:

Introduce the purpose and meaning of a demand letter. Depending on what state the vehicles are

purchased in, write a demand letter and send to Volkswagen via certified mail. Log status in excel spreadsheet to keep track of what clients I have sent demands for, what date they were sent, what date they were received, and method for sending copy to client.

EXHIBIT 8: Example of demand letter with certified mail receipt. (*English and Spanish template provided*)

EXHIBIT 9: Volkswagen Demand/DTPA Letter - Status

Excel sheet I use to log status of demand letters.

EXHIBIT 10: Example of cover letter that was sent with demand letter (post April 21)

EXHIBIT 11: Example of cover letter that was sent with demand letter (post June 21) in English.

EXHIBIT 12: Example of cover letter that was sent with demand letter (post June 21) in Spanish.

STEP 5:

Send copy of Volkswagen's response to demand letter to client. In some response letters, Volkswagen will request documents. In this case, print out requested information and fax it to the designated Customer Retention and Resolution specialist -- this is usually Laura L. or Michelle P.

EXHIBIT 13: Example of Volkswagen's response.

EXHIBIT 14: Example of Volkswagen's response with request for documents.

EXHIBIT 15: Fax confirmations following up on Volkswagen's response to demands requesting documents (letter in exhibit 14).

STEP 6

Send questionnaire to gather updated information on vehicles current condition. Every form needs to be saved to electronic file, printed for their folder, and logged in the folder inventory excel sheet. Keep track of all clients who no longer own their vehicles.

EXHIBIT 16: Volkswagen Vehicle Questionnaire I made to gather data on the condition of the vehicles. (*English and Spanish template provided*)

STEP 7 – [Pertained only to clients who signed before April 1]

Notify clients of April 1, 2016 court hearing in Austin, TX and attach scheduling order. Be prepared to answer all incoming phone calls and emails with questions regarding the details.

EXHIBIT 17: Update letter for clients on April 1 court hearing in *English and Spanish*.

EXHIBIT 18: Scheduling order (English and Spanish template provided)

STEP 8 – [Pertained only to clients who signed before April 25]

Send letter to inform clients on the April 21st court hearing. Inform them on next court hearing scheduled for June 21, 2016. Be prepared to answer all incoming phone calls and emails with questions regarding the details.

EXHIBIT 19: Update letter for clients on April 21st court hearing. (*English and Spanish template provided*)

STEP 9 – [Pertained only to clients who signed before June 21st]

Send letter to notify clients that the court has given VW a 7-day extension to prepare the details of the settlement program. Be prepared to answer all incoming phone calls and emails with

questions regarding the details.

EXHIBIT 20: Update letter to inform clients on 7-day court extension. (*English and Spanish template provided*)

STEP 10

Send update to inform clients on the preliminary approval for the class settlement. Review court documents and all available details made public by Volkswagen. Print settlement formula tables and *recreate for Spanish speaking clients*. Visit the court settlement website to look over material available for clients. Be prepared to answer all incoming phone calls and emails with questions regarding the details.

EXHIBIT 21: Preliminary approval for Class Settlement Program update. (*English and Spanish template provided*)

STEP 11

Address the upcoming July 26 court hearing. Present the Executive Summary of Proposed Class Settlement packet to all clients. Address the eligible seller time frame for those asking about selling their vehicles. Enter all VINs into the class settlement website to verify eligibility. Sort 2.0 L diesel clients from 3.0 L diesel clients and notify all 3.0 diesel owners that Volkswagen will present details for them in the near future. Request updated information on all vehicles and log information in excel sheets.

EXHIBIT 22: July 21st update letter (cover letter A: for exhibit 24) in *English and Spanish*.

EXHIBIT 23: July 26st update letter (cover letter B: for exhibit 24) in *English and Spanish*.

EXHIBIT 24: Volkswagen's Executive Summary for Proposed Class Settlement Program.

STEP 12

Create company account on NADA website for unlimited lookups. Begin entering every clients VIN with the September 18, 2015 date and specify the state they reside in. Save pdf version to electronic file and print for folder. Log document in folder inventory. Review the clean trade in vehicle value.

EXHIBIT 25: Example of NADA report

STEP 13

Create company account with autocheck.com for unlimited lookups. Begin generating vehicle history reports for every client. Review the detailed vehicle history portion for salvage, junk, rebuilt, or auto auction vehicles. Make note of abnormalities found. Print report for file and log document in folder inventory. This will be used for registering vehicles on the claims portal.

EXHIBIT 26: Example of vehicle history report generated from autocheck.com.

STEP 14

Request updated information from client in preparation for registering vehicles on portal. Make note of all questions that will be asked on the portal. Recreate document which displays all questions. Send document to all clients. Inform clients that although they may have previously sent over this information, we are in need of updated info to generate an accurate offer.

EXHIBIT 27: Document I created which displays all questions asked on the claims portal to generate an offer. This is used to catch those who fell behind up to speed.

Print, save, and log document in folder inventory upon return from client. Log all details in

master list excel sheet. Contact client if information is missing. If client is using VW Credit as a lender make sure to retrieve account number for loan. Offers cannot be generated without it. Compare questionnaire answers 9-12 to vehicle history report. Make note and address all contradictions.

STEP 15

Gather all client files for eligible sellers. Register their information on the portal first to ensure September 16th deadline is met. Review the date the vehicle was sold to ensure it falls in between September 18, 2015 – June 28, 2016. If not, notify the client that they are not eligible for the Class Settlement Program.

Address 3.0 L diesel clients and inform that we will touch base with them when we receive more information regarding their vehicles.

Inform all clients that we will be submitting their claims for them on claims.vwgoa.com. Create account for firm. If clients self-registered, get their login information and inform them that we will be reviewing their offers to compare our research on their vehicle and NADA values.

Begin registering vehicles on the portal. Copy text for buyback and emissions modification offers. Paste into a word document, delete images, use 1 inch margins and type name on top of page. Save in both Word and PDF form. Print PDF version for file and log document in folder inventory.

EXHIBIT 28: Example of document we created for client to present their offers from Volkswagen. *(English and Spanish template provided)*

STEP 16

Attorney, Tim Maloney will create a letter for clients to attach with their offers. Create an “opt-out authorization” form based upon Volkswagen’s criteria to opt out of the class settlement program. Create a settlement decision form for clients to sign off on their final decision. Send all three forms with their offer. Be prepared to answer any and all questions about the details for buybacks, emissions modifications, and opting out.

EXHIBIT 29: Cover letter I wrote to send with offer packets. *(English and Spanish template provided)*

EXHIBIT 30: Example of offer sent to client presenting the buyback and emissions modification. *(English and Spanish offer provided)*

EXHIBIT 31: Letter from Attorney addressing upcoming decisions. *(English and Spanish version provided)*

EXHIBIT 32: Volkswagen Opt Out Authorization form I created to send with offer. *(English and Spanish template provided)*

EXHIBIT 33: Volkswagen Settlement Decision form I created to send with offer. *(English and Spanish template provided)*

STEP 17

Contact every client to talk them through the offers. Address all questions, explain options, provide estimated timeline for buybacks, emissions modifications and individual suits.

EXHIBIT 34: Example email of common concerns I had to address.

EXHIBIT 35: Example response to common concerns I had to address.

Walk clients through the NADA values. Explain how the mileage affects the offer amounts. Give them scenarios with expected mileage upon surrendering vehicle. Provide cap to those worried

about settlement amount changing due to mileage. Address those with cosmetic damage on vehicles. Call Volkswagen Claims hotline at 844-98-claim to ensure their settlement won't be affected.

STEP 18

Take inventory on case statuses. Contact every client on master list who has not been sent an offer. Send email and call to notify of upcoming deadlines for eligible sellers and opt out forms. Log every time an attempt has been made to contact client.

Prepare update to send to clients who have not responded by September 12, 2016 to give final notice of opt out deadline. Resend offer, settlement decision form, and opt out authorization form.

EXHIBIT 36: Final notice of opt out deadline. *(English and Spanish template provided)*

STEP 19

Begin logging settlement decision forms. Save copy to electronic file, print copy for folder, log decision in excel sheet. Make notes in master excel sheet on conversations with clients regarding decisions. Highlight decision bright green if the decision is final and we have a signed form. Research all steps to finalize claim in the Class Claims Program and Administration document filed on 7/26/2016. Look into methods of submitting documents. Come up with game plan for finalizing claims.

EXHIBIT 37: Volkswagen Settlement Decision form with individual lawsuit option taken out. *(English and Spanish template provided).*

EXHIBIT 38: Volkswagen Opt Out Authorization form. *(English and Spanish template provided).*

STEP 20

Create new excel sheets to separate clients who are opting in from those who are opting out. Inform clients who are opting out that all lawsuits are paused until the settlement program is finalized.

Begin submitting final decisions on the claims portal. Create a form with the next set of questions to finalize claims. Send form to those opted in to the class settlement with a signed decision form.

EXHIBIT 39: Questionnaire to finalize Claim. *(English and Spanish template provided)*

Create new excel sheet to log status of finalizing claims. Log who the questionnaire has been sent to, who responded, what employee entered the data in the portal, and status of documents.

Create separate excel sheet to log the documents that Volkswagens requests. Compare documents to those we have listed in the folder inventory sheet. Highlight documents we already have on file.

Create instructions for the Power of Attorney form. Fill out consent to lender forms for all clients Volkswagen is requesting form from.

EXHIBIT 40: FINAL STEPS OF PORTAL – Opted in to Class Settlement Program

Excel sheet used to log status of finalizing claim.

EXHIBIT 41: DOCUMENTS TO FINALIZE OFFER- Class Settlement Program Final Steps

Excel sheet used to log documents needed to upload on portal.

EXHIBIT 42: Instructions for Power of Attorney form

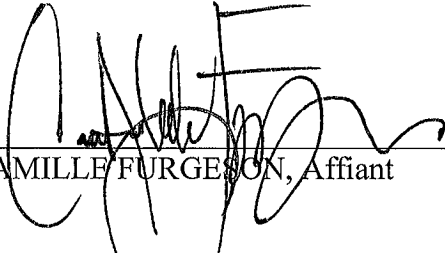
EXHIBIT 43: Example of consent to lender form we completed.

STEP 21

Send the list of documents that we don't have on file to the client. Ask for clear copies that are up to date. Review the dates on all driver's licenses and registrations to ensure everything is current. Log all documents received in folder inventory sheet and documents to finalize claim sheet. Follow the color decoder on top of sheets to properly input data.

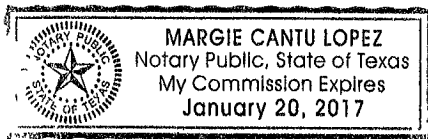
Decide on a method to send documents to Volkswagen. After the documents are submitted, inform client that their paperwork was submitted and is under review by a claims supervisor.

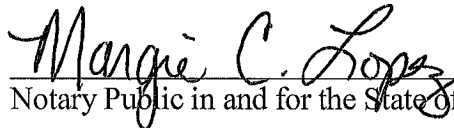
FURTHER, Affiant sayeth not."



CAMILLE FURGESON, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 17th day of October, 2016.





Notary Public in and for the State of Texas